

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MIGUEL MOLINA	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 12-5824
	:	
v.	:	
	:	
MICHEL WENEROWICZ, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 21st day of November, 2016, upon consideration of Plaintiff's *pro se* Complaint, (Dkt No. 3), Defendants' Motion to Dismiss, (Dkt No. 8), and Plaintiff's Response in opposition thereto, (Dkt No. 13), it is hereby ORDERED that said Motion is GRANTED, in part, and DENIED, in part, as follows:

1. The access-to-courts claim is DISMISSED with leave to amend the Complaint if Plaintiff so chooses;
2. The due process claim is DISMISSED as a matter of law without leave to amend; and
3. Dismissal is DENIED with respect to the following claims against all Defendants: (a) an Eighth Amendment claim for deliberate indifference to Plaintiff's inhumane conditions of confinement, and (b) a First Amendment retaliation claim insofar as it is based on allegations that Defendants retaliated against Plaintiff for exercising his constitutional rights to file grievances and civil rights complaints against them.

FURTHER, upon *sua sponte* consideration of the Complaint's other claims, it is hereby ORDERED:

1. The equal protection claim is DISMISSED with leave to amend if Plaintiff so chooses; and
2. The claim for unreasonable searches of Plaintiff's cell and personal property and confiscation of his legal papers is DISMISSED as a matter of law without leave to amend.

FURTHER, it is hereby ORDERED that Plaintiff shall file an Amended Complaint, if he so chooses, within 30 days of the date this Order is entered.

BY THE COURT:

/s/ C. Darnell Jones, II
C. Darnell Jones, II J.